

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

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**In re:**

**Administrative Order 06-6**

**Order Establishing Procedures for  
Implementing “Automatic Dismissal”  
Provision Under 11 U.S.C. § 521(i)**

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Section 521(i) of the Bankruptcy Code provides for “automatic dismissal” effective on the 46<sup>th</sup> day after the date of the filing of a voluntary petition by an individual under chapter 7 or 13 if the debtor fails to file all of the information required under 11 U.S.C. § 521(a)(1), subject to 11 U.S.C. § 521(i)(2) and (4). The court has determined that it is necessary to establish procedures for implementing the “automatic dismissal” provision under 11 U.S.C. § 521(i) as follows:

1. The trustee assigned to a voluntary individual chapter 7 or 13 case shall review each such case to determine whether or not the debtor has complied with all filing requirements set forth in 11 U.S.C. § 521(a)(1) to the satisfaction of the trustee.

2. With respect to the filing requirements under 11 U.S.C. § 521(a)(1), if the debtor has met these requirements:

A. Except as provided in paragraph 4 below, the trustee shall file an electronic statement with the court as follows:

"The information required by 11 U.S.C. § 521(a)(1) as provided by the debtor(s) in this case is complete to the satisfaction of the trustee. No creditor or other party in interest has filed a request for an order of dismissal pursuant to 11 U.S.C. § 521(i)(2) and the trustee does not believe that this case is subject to automatic dismissal pursuant to 11 U.S.C. § 521(i)."

The chapter 7 trustee shall file this statement no later than the deadline established by the court for filing complaints objecting to the discharge and the chapter 13 trustee shall file this statement prior to entry of an order confirming the plan.

B. Upon the filing of this statement by the trustee, the court shall enter an

"Order Determining Debtor's Compliance With Filing Requirements of § 521(a)(1)" [see Exhibit A] to be served on all creditors and parties in interest stating that the case is not subject to automatic dismissal under 11 U.S.C. § 521(i)(1) or (2). If any creditor or party in interest has any reason to contest the court's finding that the debtor has filed all information required by 11 U.S.C. § 521(a)(1), that party shall file an objection to the Order not later than 20 days from the date of entry of the Order, and serve such objection on the trustee, the United States Trustee, the debtor and the debtor's counsel, if any. The objection should specifically identify the information and document(s) required by 11 U.S.C. § 521(a)(1) that the debtor has failed to file.

3. Each creditor or other party in interest served with the Order who does not file an objection within the 20 day deadline set forth above has waived the right to file a motion to dismiss this bankruptcy case for the debtor's failure to comply with 11 U.S.C. § 521(a)(1).

4. With respect to the filing requirements under 11 U.S.C. § 521(a)(1), if the trustee has determined that the debtor has not met these requirements and the court has not otherwise waived or extended the deadline for filing, the trustee shall file a motion to dismiss the case no later than the deadlines established for filing the trustee statement in paragraph 2 of this Administrative Order.

5. Notwithstanding this Administrative Order, the court shall continue to dismiss cases under this court's local rules and procedures earlier than the 46th day if there are any filing deficiencies.

6. The procedures established by this Administrative Order shall be effective for all new chapter 7 and 13 individual cases filed on or after September 15, 2006, and for all new chapter 11 or 12 individual cases filed on or after September 15, 2006, and converted to chapter 7 or 13. If the trustee assigned in the previous chapter has not complied with either paragraphs 1 and 2 or 4 of this Administrative Order, or the case was previously a chapter 11 individual case, the trustee assigned to the converted case shall comply with these requirements by the deadlines established under the chapter to which the case was converted.

**ORDERED** in the Southern District of Florida on August 31, 2006.

/s \_\_\_\_\_  
Robert A. Mark  
Chief United States Bankruptcy Judge

c: All SDFL Bankruptcy Judges  
Office of the U.S. trustee  
All bankruptcy trustees  
Clerk, U.S. District Court, SDFL



ORDERED in the Southern District of Florida on \_\_\_\_\_ .

\_\_\_\_\_  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**  
\_\_\_\_\_  
DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Case Number  
Chapter

\_\_\_\_\_  
Debtor(s) /

**ORDER DETERMINING DEBTOR'S  
COMPLIANCE WITH FILING REQUIREMENTS OF § 521(a)(1)**

Pursuant to 11 U.S.C. § 521(i), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under 11 U.S.C. § 521(a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46<sup>th</sup> day after the date of the filing of the petition.

The information required by 11 U.S.C. § 521(a)(1) as provided by the debtor\* in this case is complete to the satisfaction of the trustee and no creditor or other party in interest has filed a request for an order of dismissal pursuant to 11 U.S.C. § 521(i)(2). Based upon the trustee's review, the court has determined that the debtor has complied

with the information requirements of 11 U.S.C. § 521(a)(1). Accordingly, it is

**ORDERED:**

1. This case is not subject to automatic dismissal under 11 U.S.C. § 521(i)(1) or (2).
2. If any creditor or other party in interest has any reason to contest the court's finding that the debtor has filed all information required by 11 U.S.C. § 521(a)(1), that party shall file an objection not later than 20 days from the date of entry of this Order, and serve such objection on the trustee, the United States Trustee, debtor, and debtor's counsel, if any. The objection should specifically identify the information and document(s) required by 11 U.S.C. § 521(a)(1) that the debtor has failed to file.
3. Each creditor or other party in interest served with this Order who does not file an objection within the 20 day deadline set forth above has waived the right to file a motion to dismiss this bankruptcy case for the debtor's failure to comply with 11 U.S.C. § 521(a)(1).
4. Nothing in this Order shall excuse the debtor's duty to cooperate with the United States Trustee and the trustee assigned to this case, and shall not prevent the United States Trustee or case trustee from requesting by any authorized means, including, but not limited to motion, that the debtor supply further information.

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\* All references to "debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.